



May 23, 2017

The Honorable John Culberson
Chairman
Subcommittee on Commerce, Justice, Science, and Related Agencies
H-310 Capitol Building
Washington, DC 20515

The Honorable Jose Serrano
Ranking Member
Subcommittee on Commerce, Justice, Science, and Related Agencies
2354 Rayburn House Office Building
Washington, DC 20515

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RE: Three Key Questions Attorney General Sessions Should Answer
During Your Subcommittee Hearing June 13

Dear Chairman Culberson and Ranking Member Serrano:

The American Civil Liberties Union strongly urges you and your subcommittee members to ask Attorney General Jeff Sessions, during the subcommittee hearing on June 13, to explain his role in the recent firing of FBI Director James Comey, and any ongoing role he may have in overseeing—or trying to influence—the investigation of: Russian interference in the U.S. presidential election, alleged Trump campaign collusion with Russia, and any attempts to interfere with the investigation. We strongly urge you to focus on the below-listed three key areas of questions related to his role.

Mr. Sessions has an extraordinary conflict of interest as both a top advisor to the Trump presidential campaign who met with Russian officials, and now the nation's top law enforcement officer. Since being nominated to serve as attorney general, Mr. Sessions:

- lied under oath to the Senate Judiciary Committee about whether he met with Russian officials,
- recused himself from at least aspects of the ongoing Russia/Trump investigation, met with President Trump about Mr. Comey, and
- along with Deputy Attorney General Rod Rosenstein, participated in a meeting and memoranda that the White House initially claimed were the basis for firing Mr. Comey, just as Mr. Comey reportedly was starting to ramp up the investigation.

While Mr. Rosenstein has appointed former FBI Director Robert Mueller as Special Counsel with authority to investigate and prosecute any crimes, there remain significant unanswered questions about Mr. Sessions and his role. The Subcommittee can use this hearing to help determine whether the President or his top officials and advisors colluded with a foreign government to interfere with an election, or attempted to influence, thwart, or end an ongoing investigation. The actions of the President have thrown the country into a constitutional crisis, and Mr. Sessions himself has had a significant role in creating the crisis.

The American people have the right to get honest answers to questions that go to the very heart of our democracy and our constitutional system of checks and balances. We urge you to swear in Mr. Sessions, as ask him:

- **What, if anything, did you and President Trump discuss about the FBI investigation? If you discussed the investigation with the President, when did that happen and who was present? During the meeting of you, the President, and Mr. Rosenstein on May 8, 2017, what, if anything, was discussed about the FBI investigation?**
- **Can you explain, in detail, your own role in the firing of Mr. Comey? Do you agree with the President’s decision to fire him, and if so, why?**
- **While you said you recused yourself from the FBI investigation, your statement was not specific. Can you explain further details of your recusal, including:**
 - **Do you consider your recusal “voluntary” or mandated by Department of Justice rules? And if mandated, is there any written opinion applying the rules to your role in this investigation and any prosecution?**
 - **Have you recused yourself from any investigation of, or prosecutorial decisions related to, Michael Flynn, Paul Manafort, or Jared Kushner for any transactions with foreign governments?**
 - **Have you recused yourself from any investigation into, or prosecutorial decisions related to, whether your false testimony before the Senate Judiciary Committee on contacts with Russia constituted perjury?**

The ACLU strongly urges you to ask Mr. Sessions these questions in your open hearing, and allow all Americans to be part of our democracy, especially in this moment of crisis. Thank you for your attention to this request, and we look forward to your response. Please let us know if you have any questions.

Sincerely,



Faiz Shakir
National Political Director



Christopher Anders
Deputy Director

cc: All members of House Subcommittee on Commerce, Justice, Science, and Related Agencies